

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

WILLIAM JAMES SHOENECKE, )  
                                )  
                                )  
                                Plaintiff, )  
                                )  
                                )  
                                vs. )                                No. CIV-19-416-C  
                                )  
                                )  
SAFIEH RASHTI, et al., )  
                                )  
                                )  
                                Defendants. )

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Shon T. Erwin. Judge Erwin entered a Report and Recommendation (“R&R”) on August 7, 2019, to which Plaintiff has timely objected.

This is Plaintiff’s second attempt at pleading his case. In addressing Plaintiff’s first Complaint, Judge Erwin offered a thorough and well-reasoned explanation of the deficiencies in that document. Plaintiff then filed the present Amended Complaint, in which he attempts to correct those deficiencies. In response, Judge Erwin has filed another well-reasoned R&R noting that Plaintiff has failed to plead adequate facts to permit his claim to proceed. In his Objection, Plaintiff does not offer any fact or evidence to counter the findings made in the R&R. Rather, Plaintiff requests assistance from the Court noting that he is not learned in the law. Alternatively, Plaintiff requests the Court appoint counsel. Neither of Plaintiff’s requests can be granted. First, it is not the

function of the Court to “assume the role of advocate for the pro se litigant.” Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991). Second, there is no right to appointment of counsel in a civil matter. See Bethea v. Crouse, 417 F.2d 504, 505 (10th Cir. 1969). In short, the Court finds the facts and law are accurately set out in the Magistrate Judge’s R&R and there is no purpose to be served in repeating them yet again. As Judge Erwin noted, Plaintiff has failed to plead allegations which would state a § 1983 claim. In his Objection, Plaintiff offers no fact or argument to counter that finding.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 16). This action is DISMISSED without prejudice.

IT IS SO ORDERED this 4th day of September, 2019.



ROBIN J. CAUTHRON  
United States District Judge